

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA**

**v.**

**JOSEPH PERCOCO,  
a/k/a “Herb,”  
ALAIN KALOYEROS,  
a/k/a “Dr. K,”  
PETER GALBRAITH KELLY, JR.,  
a/k/a “Braith,”  
STEVEN AIELLO,  
JOSEPH GERARDI,  
LOUIS CIMINELLI,  
MICHAEL LAIPPLE, and  
KEVIN SCHULER,**

**Defendants.**

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**Case No. 1:16-cr-00776 (VEC)**

**ORAL ARGUMENT  
REQUESTED**

**NOTICE OF THE BUFFALO DEFENDANTS’  
JOINT MOTION TO FOR AN ORDER COMPELLING  
DISCLOSURE OF THE GRAND JURY TRANSCRIPTS**

Moving Parties:	Defendants Louis Ciminelli, Michael Laipple, and Kevin Schuler (the “Buffalo Defendants”).
Directed To:	The Government.
Date and Time:	To be scheduled by the Court.
Place:	Before the Honorable Valerie E. Caproni, United States District Judge, United States District Court, Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007.
Supporting Papers:	Declaration of Jessica A. Masella, dated May 19, 2017; and The Buffalo Defendants’ Joint Memorandum of Law dated

May 19, 2017.

Reply Papers: Defendant intends to reply.

Relief Requested: An Order of the Court:

(1) Providing the Buffalo Defendants under seal the legal instructions provided to the grand jury (or grand juries) in respect to both the original and superseding indictments, as well as any questions from or colloquies with the grand jury as to any of the issues identified in their memorandum of law; and

(2) Providing those portions of the transcripts of witness testimony containing discussions of those legal requirements; or

(3) In the alternative, directing the Government to produce these materials to Your Honor for *in camera* review.

Grounds for Relief: The United States Constitution, Federal Rule of Criminal Procedure 6(e), and federal decisions as set out in The Buffalo Defendant's Joint Memorandum of Law.

Oral Argument: Requested, at the earliest date and time available to the Court.

Dated: Buffalo, New York  
May 19, 2017

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